

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 19, 2005

Division: Growth Management

Bulk Item: Yes X No

Department: Code Enforcement

AGENDA ITEM WORDING: Approval to advertise an ordinance amending Chapter 8 of the Monroe County Code by creating Article II, Disposal of Garbage, Trash, and Refuse, Section 8-16, Definitions, Section 8-17, Premises to be cleaned and mowed, and Section 8-18, Illegal waste disposal on public and private lands and waterways.

ITEM BACKGROUND: In July 2004, Ordinance 22-2004 was adopted by the BOCC that inadvertently deleted Sections 8-16 through 8-42, Monroe County Code. These sections contained specific definitions and language governing the proper disposal of garbage, trash, refuse and debris and maintenance of lands within unincorporated Monroe County. These inadvertently deleted sections must be reenacted to enable the County to pursue code enforcement action on illegal dumping activities on public and private lands and waterways and the improper maintenance of vacant or occupied lands.

PREVIOUS RELEVANT BOCC ACTION: BOCC adopted Ordinance 22-2004 on July 14, 2004.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: N/A

BUDGETED: Yes No

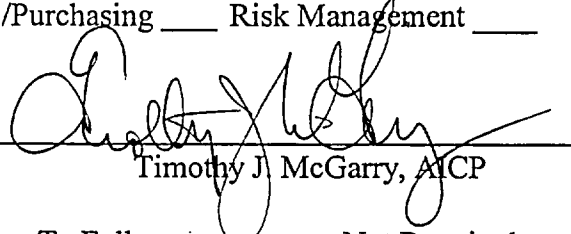
COST TO COUNTY:

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No X **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # I-6

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE CHAPTER 8 BY CREATING ARTICLE II DISPOSAL OF GARBAGE, TRASH, AND REFUSE, SECTION 8-16, DEFINITIONS, SECTION 8-17, PREMISES TO BE CLEANED AND MOWED, AND SECTION 8-18, ILLEGAL WASTE DISPOSAL ON PUBLIC AND PRIVATE LANDS AND WATERWAYS; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 14, 2004, the Board of county Commissioners adopted Ordinance 22-2004 that inadvertently entirely deleted section 8-16 through 8-42, Monroe County Code; and,

WHEREAS, these deleted sections contained specific definitions and language governing the proper disposal of garbage, trash, refuse and debris and maintenance of lands within unincorporated Monroe County; and,

WHEREAS, the deleted provisions have made it difficult for the County to pursue code enforcement action on illegal dumping activities on public and private lands and waterways and the improper maintenance of vacant or occupied lands; and

WHEREAS, the Growth Management Division staff has prepared amendments to Chapter 8, Monroe County Code, that create Sections 8-16 through and 8-18 to replace the relevant language deleted by Ordinance 22-2004;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:

Section 1. A new Article II, Chapter 8, Monroe County Code is created that reads as follows:

ARTICLE II. DISPOSAL OF GARBAGE, TRASH AND REFUSE

Section 2. A new Section 8-16, Monroe County Code, is hereby created that reads as follows:

Section 8-16. Definitions.

For the purpose of this article, the following terms, words and their derivations shall have the following meanings:

Bulky Waste shall mean items whose large size or weight precludes or complicates their handling by normal collection processing or disposal methods.

Commercial shall mean all non-residential and industrial establishments and properties but not limited to and without regard to whether they are profit or nonprofit organizations or retail and or wholesale establishments, motels, hotels, stores, schools, churches, hospitals, office buildings, restaurants service stations, garages, laundries, cleaning establishments, public or private institutions of all types, and all other businesses required to obtain an occupational license.

County shall mean the unincorporated areas of this county.

Garbage shall mean all kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, preparation, cooking or handling of food materials.

High grass and weeds shall mean weeds and/or grass in excess of eight (8) inches in height.

Improved property shall mean all residential, commercial, or industrial property that generates or is capable of generating solid waste.

Litter shall mean all garbage, rubbish, garden trash and all waste materials including but not limited to, bottles, glass, cans, scrap metal, junk, paper, disposable packages or containers and all other similar materials, and any substance of any kind or nature whatsoever that causes a public health, safety or fire hazard or public nuisance.

Mowed shall mean the cutting down of high grass and/or weeds.

Mulching materials shall mean protective coverings, usually of organic matter such as leaves, straw, or peat, brought to a property and used to prevent the evaporation of moisture, erosion, and/or the growth of weeds.

Owner shall mean the person owning an interest in vacant or improved property.

Person shall mean any individual, firm, co-partnership, corporation, company, association, executor, administrator, trustee, church, religious sect, religious denomination, society, organization or league, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

Public way shall mean any and all streets, roads, alleys, piers, bulkheads, boardwalks, lanes, waters or other public ways and any and all public parks, squares, beaches, parks and any and all recreational facilities operated by the state, county, federal government or special governmental districts.

Refuse shall mean all solid wastes, including but not limited to garbage, rubbish, ashes, dead animals, bulky waste, special wastes, sludge and trash.

Residential property shall mean any improved property or vacant property within a land use district zoned for residential uses.

Residential waste shall mean a mixture of garbage and trash resulting from normal housekeeping activities at a residential unit.

Sludge shall mean any solid or semisolid liquid generated from any excavation activity, waste water treatment plant, air pollution control facility, septic tank, grease trap, portable toilets and related operations, or any such waste having similar characteristics or effects.

Solid waste shall mean garbage, rubbish, refuse, trash or other discharged solid or semisolid materials resulting from domestic, commercial, industrial, agricultural and governmental operations but does not include solids or dissolved materials in domestic sewage effluent or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

Special wastes shall mean those wastes that require extraordinary management. They include but are not limited to abandoned vehicles, abandoned vessels, white goods, tires, waste oil, sludge's, dead animals, agricultural and industrial waste, septic tank sepsis, animal waste and infectious and hazardous wastes.

Trash shall mean any combinations of yard trash and construction and demolition debris along with other debris such as paper, cardboard, cloth, glass, white goods, vehicle tires and other like matter.

White-goods shall mean ice boxes, refrigerators, deep freeze lockers, clothes washers, clothes dryers or airtight units.

Yard trash shall mean vegetative matter resulting from landscaping maintenance or land clearing operations and includes but not limited to materials such as tree and shrub trimmings, grass clippings, mulch, palm fronds, tree stumps, tree limbs, etc.

Section 3. A new section 8-17, Monroe County Code, is hereby created that reads as follows:

Section 8-17. Premises to be cleaned and mowed.

(a) For the purposes of promoting the health, safety and general welfare of the residents of the county, all lands inside and outside of subdivisions, including vacant lands, and improved property within the unincorporated area of the county, shall be kept cleared of debris, garbage, litter, yard trash, refuse, special solid waste, solid waste, trash, industrial waste and/or which tend to be a breeding place or haven for snakes, rodents, insects, and vermin of all kinds and character, and/or which tend to create a fire hazard, endanger the lives and property of the residents

of the county, create a traffic hazard, create a nuisance or unsanitary condition and/or which render the soil or air impure, unwholesome, or unhealthful.

(b) For the purposes of health, safety, and general welfare of the residents of the county, all commercial and residential lots, vacant or occupied, shall be kept mowed except that for subdivisions located within public acquisition areas, publicly owned vacant lots acquired for conservation and resource protection purposes and private vacant lots subject to a county approved management plan.

(c) For the purposes of health, safety, and general welfare of the residents of the county, all mulching materials shall be kept or spread at a depth not to exceed eight (8) inches.

Section 4. A new Section 8-18, Monroe County Code, is created that reads as follows:

Section 8-18. Illegal waste disposal on public and private lands and waterways.

(a) No person shall place, cast, sweep, or deposit anywhere within the county any refuse in such a manner that the same may be carried, spread, or deposited by the elements upon any street, alley, parkway, or other public place or into any occupied or unoccupied property or waterway.

(b) No person shall throw, place or deposit or cause to be thrown, placed or deposited, any solid waste, special waste, sludge, trash, junk, abandoned vehicle, abandoned vessel, garbage or filth of any kind into or on any of the public streets, roads, highways, bridges, alleys, lanes, thoroughfares, waters, canals or vacant lots, or upon the premises of any other person within the limits of the county.

(c) No person shall discard, abandon, or permit any white-goods to be kept or placed on private property or placed curbside for collection without first removing or securing the doors on such units.

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 7. This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance; does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

Section 8. This ordinance shall take effect immediately upon receipt of the official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

Section 9. The provision of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition, or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 10. The Clerk of the Court is hereby directed to forward a copy of this Ordinance to the Municipal Code Corporation for incorporation into the Monroe County Code of Ordinances.

PASSED AND ADOPTED BY THE Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the ____ of _____, AD, 2005.

Mayor Dixie Spehar _____
Mayor Pro Tem Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner David Rice _____
Commissioner Murray E. Nelson _____

BOARD OF COUNTY COMMISSIONER OF
MONROE COUNTY, FLORIDA

By: _____
Mayor/Chairperson

(SEAL)
ATTEST: DANNY KOHLAGE, CLERK

By: _____
Deputy Clerk

